

FILED

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2016 DEC -8 P 3:36

MARS, INCORPORATED  
6885 Elm Street  
McLean, Virginia 22101

MARS PETCARE US, INC.  
315 Cool Springs Blvd.  
Franklin, Tennessee 37067

Plaintiffs,

v.

THE J.M. SMUCKER COMPANY  
1 Strawberry Lane  
Orrville, Ohio 44667

BIG HEART PET, INC  
1 Strawberry Lane  
Orrville, Ohio 44667

Defendant.

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Case No. 1:16cv1451 CMH/MSN

**WAIVER OF SERVICE OF SUMMONS**

TO: Timothy P. Fraelich, Esq., authorized representative of Defendants for purposes of service of the Complaint.

I acknowledge receipt of your request that my client waive service of a summons in the above captioned action, case number 1:16-CV-1451 in the United States District Court for the Eastern District of Virginia, Alexandria Division. I have also received a copy of the Complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

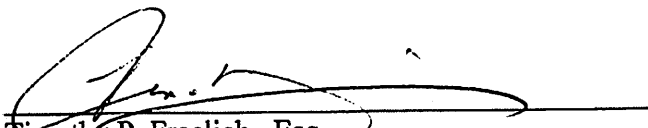
I agree to save the cost of service of a summons and an additional copy of the Complaint  
NY 246235822v1

in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

The defendants will retain all defenses of objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of a summons.

I understand that a judgment may be entered against the defendants if an answer or motion under Rule 12 is not served upon you within 60 days after the date this notice was sent.

Date: December 05, 2016



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Counsel for Defendants